

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|---------------------|---|--------------------|
| CHRISTOPHER SEVIER, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | NO. CIV-21-0187-HE |
| |) | |
| WARDEN S. GRANT, |) | |
| |) | |
| Respondent. |) | |

ORDER

Petitioner Christopher Sevier, a federal prisoner serving time at F.C.I. El Reno, filed this § 2241 habeas petition alleging that the court's failure to prosecute him within the 180-time limit of the Speedy Trial Act requires that his sentence be adjusted. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Amanda Green for initial proceedings. After reviewing the filings, Judge Green ordered the government to respond to the petition. Respondent then filed a motion to dismiss or, in the alternative, to transfer the case to the United States District Court for the Northern District of Texas. Judge Green has now issued a Report and Recommendation recommending that the petition be construed as a § 2255 petition and transferred to the Northern District of Texas. The Report also notified petitioner that if the court construed the petition as a § 2255 petition any other § 2255 petitions would be considered second or successive and gave him the opportunity to withdraw or amend the petition prior to any final action by the court.


The Report advised petitioner of his right to object to the Report or withdraw or amend his petition by November 10, 2021. Petitioner has not objected to the Report

thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010). Petitioner has also not requested to withdraw or amend his petition.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #11]. The petition, construed as a request for relief pursuant to 28 U.S.C. § 2255, is **TRANSFERRED** to the United States District Court for the Northern District of Texas.

IT IS SO ORDERED.

Dated this 18th day of November, 2021.



JOE HEATON
UNITED STATES DISTRICT JUDGE